

*Application No. 10/803,961
Amendment dated March 15, 2006
Reply to Office Action of December 16, 2005*

*Docket No.: 0505-1278P
Art Unit 3611
Page 13 of 20 pages*

AMENDMENTS TO THE DRAWINGS

One sheet of replacement drawings (FIG.5) is attached, in order to designate distance D1 between lower portions 31L at the longitudinally intermediate position of each pipe member 31, and distance D2 between than upper portions 31U at the longitudinally intermediate position of each pipe member 31.

REMARKS

The Applicants thank the Examiner for the thorough consideration given the present application. Claim 4 was previously cancelled without prejudice to or disclaimer of the subject matter contained therein. Claims 1-3 and 5-21 are pending. Claims 1, 5, 16, and 21 are amended. Claims 1, 16, and 21 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Allowable Subject Matter

The Examiner states that claims 3, 15 and 17-20 would be allowable if rewritten in independent form including all of the limitations of the base and intervening claims.

In response, none of objected-to claims 3, 15, and 17-20 has been rewritten in independent form at this time. Instead, each of independent claims 1, 16, and 21 has been amended merely to correct the informalities pointed out by the Examiner, and claims 1, 16 and 21 are believed to set forth novel subject matter not taught or suggested by the references cited by the Examiner.

Accordingly, it is believed that each of independent claims 1, 16, and 21 is in condition for allowance.

Objections to the Drawings

In response to the objections to the drawings, one sheet of replacement drawings (FIG. 5) is attached. FIG. 5 now designates distance D1 between lower portions 31L at the longitudinally intermediate position of each pipe member 31, and distance D2 between than

upper portions 31U at the longitudinally intermediate position of each pipe member 31. In addition, paragraph [0012] of the specification has been amended to describe FIG. 5 as follows: FIG. 5 is a vertical sectional view of the pipe members and engine hangars taken along line 5-5 in FIG. 3.

Further, by comparing the side views of the invention shown in FIGS. 1 and 2, with the top down view of the invention shown in FIG. 3, it is obvious that vertical sectional line 5-5 in FIG. 3 would cut through engine body 50. Thus, the Applicants respectfully submit that FIG. 5 is correct as drawn.

Accordingly, the objection to the drawings should be withdrawn.

Objections to the Specification

The Examiner has objected to the Specification alleging that “ the inner wall....is formed with acontinuously inwardly and downwardly facing concave surface...each pipe member” set forth in paragraph [0018], as amended on September 20, 2005, is new matter.

The Applicants respectfully submit that paragraph [0018] as amended on September 20, 2005 does not contain new matter. This subject matter is properly supported by the drawings as originally filed. In addition, the following additional amendments are made to the specification by way of this Amendment:

Paragraph [0012] has been amended to recite the following:

“FIG. 5 is a vertical sectional view of the pipe members and engine hangars taken along line 5-5 in ~~FIG. 2~~ FIG. 3”.

Paragraph [0018] has been amended to recite the following:

"Each of the pipe members 31 is curved in an outwardly convex shape with respect to a longitudinal centerline of said motorcycle frame F at a longitudinally intermediate position of each pipe member when viewed from a top view ~~(FIG. 4) (FIG. 3)~~, and is curved in an upwardly convex shape with respect to the longitudinal centerline of said motorcycle frame F at the longitudinally intermediate position of each pipe member when viewed from a side view ~~(FIG. 1) (FIG. 1)~~. FIG. 5 is a sectional view of the pipe members and engine hangars taken along line 5-5 in FIG 3. Further, as can be seen in FIG. 5, a distance D1 between lower portions 31L at the longitudinally intermediate position of each pipe member 31 is greater than a distance D2 between upper portions 31U at the longitudinally intermediate position of each pipe member 31. ~~Each~~ As can be seen in FIGS. 2, 3, and 5 each of the pipe members 31 includes an inner wall 31a and an outer wall 31b; the inner wall 31a is formed with a substantially continuous inwardly and downwardly facing concave surface an overall length of each pipe member 31 and with respect to the vertical direction of each pipe member 31. ~~Further, as can be seen in FIGS. 3, 4, and 5, the~~ outer wall 31b ~~of each pipe member 31~~ is formed with a substantially continuous outwardly and upwardly facing convex surface and is substantially parallel with the inner wall 31a. Each pipe member 31 is bent in a plane PL orthogonal to the inner wall 31a so as to be convex outwards in a sideward direction at a longitudinally intermediate portion of the pipe member 31. After the bending work, both pipe members 31 are connected contiguously to the gussets 22b while tilting so as to approach each other as they extend upward."

These amendments have been made voluntarily merely to provide clarity to the claimed subject matter and shown in the drawings as originally filed. Each and every element disclosed in the specification as amended herein was properly illustrated in the drawings as originally filed. As noted above, FIG. 5 has been revised merely to provide reference numerals for each of the claimed elements, and the specification has been amended to provide antecedent basis for that which is shown in FIG. 5. No new matter has been entered.

Accordingly, the objection to the specification should be withdrawn.

Rejection Under 35 U.S.C. § 112, first and second paragraphs

Claims 1-3 and 5-21 stand rejected under 35 U.S.C. § 112, first and second paragraphs. These rejections are respectfully traversed.

As described above, independent claims 1, 16, and 21 have been amended to correct the informalities pointed out by the Examiner. In addition, the specification and FIG. 5 have been amended merely to provide clarity to the subject matter set forth in the claims. No new matter has been entered.

The Applicants respectfully submit that the claims, as amended, are fully supported by and adequately described in the written description and drawings of the invention, and particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Accordingly, reconsideration and withdrawal of these rejections are respectfully requested.

Rejections Under 35 U.S.C. § 102(e) and § 103(a)

Claims 1, 2, 5-12, 14, 16, and 21 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Iimuro (U.S. 6,679,347). Further, claim 13-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Iimuro. These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

Arguments Regarding Independent Claims 1, 16, and 21

As noted above, each of independent claims 1 and 16 has been amended herein to recite a combination of elements, including *inter alia*

the inner wall being formed with a substantially continuous inwardly and downwardly facing concave surface throughout an overall length of each pipe member and with respect to the vertical direction of each pipe member, and the outer wall being formed with a substantially continuous outwardly and upwardly facing convex surface and being substantially parallel with the inner wall.

Further, independent claim 21 has been amended herein to recite a combination of elements, including *inter alia*

an inner wall which is formed as a substantially continuous concave curve throughout an overall length of the pipe members and with respect to the vertical direction of the pipe member, and

an outer wall which extends substantially parallel with the inner wall, wherein upper portions of the inner walls of the pipe members are closer to each other than are lower portions of the inner walls of the pipe members.

See FIGS. 1-3 and 5 for support.

By contrast, as can be seen in Iimuro FIGS. 1-4, this document merely discloses merely discloses pipe members that are convex outwardly but are NOT convex upwardly

Further, as can be seen in Iimuro FIGS. 3 and 4, upper portions the intermediate positions of the pipe members are farther apart than the lower portions of the intermediate positions of the pipe members. Thus, the Iimuro device is a completely different configuration from that of the present invention.

Applicants respectfully submit that the combination of elements as set forth in each of independent claims 1, 16, and 21 is not disclosed or made obvious by the prior art of record, including Iimuro, at least for the reasons explained above.

Therefore, independent claims 1, 16, and 21 are in condition for allowance.

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel features set forth therein.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §102(e) and §103(a) are respectfully requested.

All claims of the present application are now in condition for allowance.

CONCLUSION

Since the remaining patents cited by the Examiner have not been utilized to reject claims, but merely to show the state of the art, no comment need be made with respect thereto.

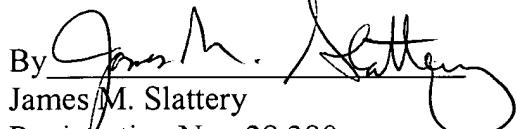
All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

If necessary, the commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to deposit account no. 02-2448 for any additional fees required under 37 c.f.r. §§1.16 or 1.17, particularly extension of time fees.

Dated: March 15, 2006

Respectfully submitted,

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Attachment: One Sheet of Replacement Drawing (FIG.5)